

REMARKS/ARGUMENTS

Claims 11-20 are active in this application. Support for the amendment to Claim 8 is found in the originally filed claims. No new matter is added. Claims 11-20 are drawn to the elected subject matter. Applicants request reconsideration of the Restriction imposed by the Office since there is no undue burden to include these claims, which are dependent on the elected claims.

Support for the amendment for Claim 1 is found on page 2, lines 4-5. No new matter is added.

The rejection of Claims 1, 6 and 8-10 under 35 USC §102(b) or 35 USC §103(a) over Hart et al. is respectfully traversed.

Hart et al. do not disclose a saponified ethylene-vinyl acetate copolymer having a saponification (hydrolysis) value at least 98 mol%. Rather, Hart et al. disclose the highest degree of hydrolysis to be 75% (col 5 lines 49-51 and col 8 line 10). Therefore, Hart et al. does not anticipate Claim 1 as currently amended.

Furthermore, Hart et al. teach that the degree of saponification decreases with increasing amount of water (col 5 lines 27-28). As mentioned previously, Hart et al., utilizing water content between 500 to 1500 ppm, disclose saponification values not exceeding 75% (col 5 lines 15-17), whereas Applicants achieve greater than 98% hydrolysis utilizing 100 – 15,000 ppm water content. Thus, the high degree of saponification achieved by the claimed process would not have been obvious. Withdrawal of the rejection is respectfully requested.

The rejection of Claims 2-5 and 7 under 35 USC §103(a) over Hart et al. with Hoyt et al., Moritani et al. and/or Takahashi et al. is respectfully traversed.

As discussed above, Claim 1 is not obvious in view of Hart et al. alone. As a result, Claims 2-3, which depend from Claim 1, are also not obvious (4, 5 and 7 have been cancelled).

Furthermore, the claims are not obvious in view of the combination of cited art for the following reasons. Both Hart et al. (col 5 lines 27-28) and Hoyt et al. (col 2 lines 20-22) describe the deleterious effect of water on the degree of saponification. In fact, it is well-known that water inhibits the saponification reaction, and to obtain a high degree of saponification, the reaction is performed in the absence of water. This is supported by the cited art.

Takahashi et al. (col 4 lines 21-23, col 5 lines 20-21) and Moritani et al. (col 10 line 51-54, col 12 lines 64-67, etc) achieve a high degree of saponification (> 98 mol%) in the absence of water, notwithstanding the fact that water is introduced to EVOH after the saponification reaction (see the Examples in Moritani et al.). However, when water is utilized during the reaction, Hart et al. (col 5 lines 49-53) and Hoyt et al. (col 5 lines 41-45) do not achieve the high (at least 98 mol%) saponification values as is presently claimed. For example, the highest saponification value disclosed by Hoyt et al. even in the absence of water is 97.61%, with increasing water content further lowering the hydrolysis as shown in col 18, lines 46-60.

The combination of art describes that to obtain high levels of saponification, the reaction should be conducted in the absence of water because water inhibits saponification. Therefore, the prior art teaches away from the claimed process (MPEP §2141.02 "Prior art must be considered in its entirety, including disclosures that teach away from the claims") and as such Claims 2 and 3 would not have been obvious based on the combined disclosures. Withdrawal of this rejection is respectfully requested.

Application No. 09/933,839
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The rejection of Claims 1-10 with 35 USC §112 ¶1 is addressed by amendment.
Nonetheless, "ethylene content in the ethylene-vinyl acetate copolymer is not more than 55 mol%" is, in fact, supported in the specification on page 3 lines 8-15.

Withdrawal of this rejection is respectfully requested.

Applicants request allowance of the application. Early notification of such allowance is requested.

Respectfully submitted,

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